

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Kervin Leatham,

Plaintiff,

-against-

TD Bank, N.A.; Target Corporation; Equifax
Information Services LLC; Trans Union LLC a/k/a
Trans Union,

Defendants.

Docket No. 1:25-cv-1260

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants TD Bank USA, N.A. (“TD Bank”), incorrectly identified in the case caption as “TD Bank, N.A.,” and Target Corporation (“Target”) (collectively “Defendants”) hereby give notice of the removal of this action from the Supreme Court of the State of New York, Queens County, where it is now pending, to the United States District Court for the Eastern District of New York. In support of this Notice of Removal, Defendants state:

1. Plaintiff filed a Complaint (“Complaint”) styled *Kervin Leatham v. TD Bank, N.A. et al.*, bearing Index No. 701773/2025, before the Supreme Court of the State of New York, Queens County. A copy of the Complaint is annexed hereto as Exhibit A.

2. Target was served with a copy of the Complaint on or about February 3, 2025.

3. TD Bank was served with a copy of the Complaint on or about February 10, 2025.

4. In sum and substance, the Complaint alleges that Target and TD Bank violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”) by failing to conduct a reasonable investigation into Plaintiff’s disputes to the credit reporting agencies regarding his TD Bank-issued, Target-brand credit card account (the “Account”) and continuing to report inaccurate

information regarding the Account on his credit reports. Accordingly, this action may be removed pursuant to 28 U.S.C. § 1441(a) as this Court has federal question jurisdiction under 28 U.S.C. § 1331.

5. Additionally, the Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

6. This Notice of Removal is timely filed within thirty (30) days after Defendants were served with a copy of the initial pleadings setting forth the claims for relief and existence of federal question jurisdiction. 28 U.S.C. § 1446(b); *see Peterkin v. FedEx Freight, Inc.*, 20-CV-4439 (EK) (JRC), 2021 U.S. Dist. LEXIS 175862, at *8 (E.D.N.Y. Sept. 14, 2021), *report & recommendation adopted by* 2021 U.S. Dist. LEXIS 190995 (Oct. 4, 2021).

7. Defendants Equifax Information Services LLC ("Equifax") and Trans Union LLC ("TransUnion"), which were both served with a copy of the Complaint on January 31, 2025, consent to the removal of this action to the United States District Court for the Eastern District of New York ("EDNY").¹ *See* Consent of Co-Defendants Equifax and TransUnion to Removal, annexed hereto as Exhibit B.

8. A civil cover sheet and the payment of the required filing fee accompanies this Notice.

9. Written notice of this Notice of Removal will be filed in Queens County Supreme Court.

¹ Trans Union advised undersigned counsel that it has settled this matter with Plaintiff.

WHEREFORE, Defendants TD Bank USA, N.A. and Target Corporation respectfully request that this action be removed from Queens County Supreme Court to the United States District Court for the Eastern District of New York.

Dated: New York, New York
March 5, 2025

HINSHAW & CULBERTSON LLP
Attorneys for Defendants
TD Bank USA, N.A. and Target Corporation

By: s/ Samantha R. Millar

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, the forgoing Defendants', TD Bank USA, N.A. and Target Corporation Notice of Removal along with Exhibits were deposited in an enclosed, properly addressed postage-paid envelope, and served as follows upon the following party and by operation of the Court's electronic filing system in the following manner:

VIA FIRST CLASS MAIL and ECF
Serge Petroff, Esq.
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Brooklyn, New York 11230
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Attorneys for Plaintiff

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York
March 5, 2025

By: /s/ Samantha R. Millar
Samantha R. Millar, Esq.